

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOHN ANTHONY CASTRO

Plaintiff,

v.

SECRETARY OF STATE WILLIAM
FRANCIS GALVIN, and

DONALD JOHN TRUMP,

Defendants.

Civil Action No. 1:23-CV-12121-MJJ

DEFENDANT DONALD J. TRUMP'S STATUS REPORT

On September 25, 2023, Plaintiff filed an Emergency Motion for a Temporary Restraining Order. [CM/ECF No. 9.] On September 26, 2023, the Court ordered Plaintiff to confer with both Defendants regarding a briefing schedule for Plaintiff's Emergency Motion and to file a status report by October 2, 2023. [CM/ECF No. 10.] The Court ordered Plaintiff to include in his status report each party's position. *Id.*

On September 28, 2023, Plaintiff filed his first status report without conferring with Donald J. Trump's counsel. [CM/ECF No. 11.]¹ Contrary to the Court's order, Plaintiff's first status report did not include Donald J. Trump's position on a briefing schedule. *Id.* On October 18, 2023, Plaintiff filed his second status report without conferring with counsel for Donald J. Trump. [CM/ECF No. 21.] Again, Plaintiff failed to include Donald J. Trump's position on a briefing schedule, despite being ordered to do so. *Id.*

¹ Furthermore, Plaintiff's attempt at service was ineffective. *See* Fed. R. Civ. P. 5. Plaintiff merely mailed the Summons and Verified Complaint to Mar-a-Lago Club's general address. [*See* CM/ECF No. 5, 7.] Plaintiff appears to have sent his Emergency Motion to attorneys representing Donald J. Trump in an unrelated matter in the 11th Circuit. [*See* CM/ECF No. 9.]

Donald J. Trump respectfully submits this Status Report to provide his position. Def. Secretary of State Galvin correctly concluded that a judicial determination on the merits of Plaintiff's claims is not needed until September 10, 2024. [CM/ECF No. 14.] Plaintiff has not demonstrated that there is any immediate harm and his Emergency Motion for a Temporary Restraining Order is premature.

As the Court is aware, Plaintiff is a serial litigant who has filed nearly identical Emergency Motions in numerous district courts around the country. [CM/ECF No. 20, Ex. A.] Several courts have already ruled unfavorably on Plaintiff's Emergency Motions.²

As such, Donald J. Trump proposes that the Court address his Motion to Dismiss [CM/ECF Nos. 19, 20] and the jurisdictional issues therein prior to setting a briefing schedule for Plaintiff's Emergency Motion.

Dated: October 19, 2023

Respectfully submitted,

/s/ Brian T. Kelly
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² *Castro v. Jacobsen and Trump*, 6:23-cv-00062 (D. MT Sept. 11, 2023), ECF No. 8 (court denied Plaintiff Castro's Application for Emergency Temporary Restraining Order without prejudice); *Castro v. Copeland-Hanzas and Trump*, 2:23-cv-00453 (D. VT Oct. 2, 2023), ECF No. 3 (court denied Plaintiff Castro's motion for Temporary Restraining Order); *Castro v. Fontes and Trump*, 2:23-cv-01865. (D. AZ Sept. 5, 2023), ECF No. 12 (court denied Plaintiff Castro's Emergency Motion for a Temporary Restraining Order, converting it to a motion for preliminary injunction); *Castro v. Scanlan and Trump*, 1:23-cv-00416. (D. NH Sept. 5, 2023), ECF Nos. 6, 25 (court construed Plaintiff Castro's Emergency Motion for Temporary Restraining Order as a motion for preliminary injunction to be heard after jurisdictional issues raised by defendant are resolved); *Castro v. Warner and Trump*, 2:23-cv-00598 (S.D. W.V. Sept. 7, 2023), ECF No. 13 (magistrate judge proposed findings and recommendation that the district judge deny Plaintiff's Emergency Application); *Castro v. Knapp and Trump*, 3:23-cv-04501 (D. S.C. Sept. 7, 2023), ECF No. 16 (magistrate judge report and recommendation that the district judge deny Plaintiff Castro's Emergency Motion).

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on October 19, 2023.

/s/ Brian T. Kelly